

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JONATHAN MORGAN,

Plaintiff,

1: 05 CV 0620 LJO WMW PC

vs.

ORDER RE: FINDINGS &
RECOMMENDATIONS (#38)

CDCR,

Defendant.

Plaintiff is a state prisoner proceeding pro se in this civil rights action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On July 18, 2008, [findings and recommendations](#) were entered, recommending that Defendant's motion to dismiss be granted, and this action be dismissed for failure to state a claim upon which relief can be granted. Plaintiff was provided an opportunity to file objections within thirty days. On August 4, 2008, plaintiff filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 73-305, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and

1 proper analysis.

2 Accordingly, THE COURT HEREBY ORDERS that:

3 1. The Findings and Recommendations issued by the Magistrate Judge on July
4 18, 2008, are adopted in full; and

5 2. Defendant's motion to dismiss is granted. This action is dismissed for failure
6 to state a claim upon which relief can be granted. The Clerk is directed to close this case.

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10 IT IS SO ORDERED.

11 Dated: August 29, 2008

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE